SECOND DAY—*11th October 1924.*

THE Assembly met at 12 noon and proceeded to consider the items of Government business placed before the House. The first matter to be taken up was the Local Self-Government Scheme on which Government had circulated a note (Appendix B).

THE FIRST MEMBER in explaining the salient features of the proposed scheme stated as follows:—

The Local Self-Government Conference of 1923 submitted 48 Resolutions to Government which raised several questions of policy, and in regard to some of the resolutions not involving general questions of policy Government have from time to time passed orders. The subject of establishing village panchayets was discussed by the Conference at great length and a resolution was recorded that the Panchayet Scheme should be introduced into all the villages in the State, the Village Improvement Committees being abolished. If Local Self-Government Scheme should be a real success, Village Panchayets should be constituted in every village or group of villages and should be made self-contained autonomous units. Every village should have a panchayet entrusted with the task of looking after local wants, the necessary funds being raised by taxes. If a village where there is no panchayet, does not tax itself to defray the expenses of its wants, a neighbouring village where there is a village panchayet will hesitate to raise taxes even though it is convinced that such taxes are necessary in the interests of the village. Thus Local Self-Government as a whole would suffer and every village would remain uncared for in matters relating to sanitation, public health, education, etc. There were as many as 4,000 Village Improvement Committees during Sir M. Visvesvaraya's Dewanship and though for some time they were showing good work, they are now in an unsatisfactory condition and are doing no work practically. The work of these Committees is now proposed to be entrusted to panchayets. The main feature of the scheme under consideration is that each village should come under the Panchayet Scheme and that the panchayets should be placed on a statutory basis with power to levy taxes and discharge certain functions. In this connection one important point requires consideration. If every village is formed into a panchayet raising its own taxes, the present mohatarfa taxes will have to be abolished and the District Boards will lose over

Rs. 2 lakhs which they are now getting in the shape of mohatarfa from the villages. Though the Conference resolved that the Taluk Boards need not be abolished, the Taluk Boards at present have neither sufficient work nor sufficient funds and the villages within their jurisdiction are not deriving any benefit from them. By the constitution of panchayets for all the villages the contribution made by the villagas to the District Boards by way of mohatarfa will hereafter be spent within the villages concerned for improvement works. The crippled finances of the District Boards after the abolition of mohatarfa will not permit the continuance of Taluk Boards as independent corporate bodies and in order to keep down recurring charges and concentrate funds for works of public utility, the Taluk Boards have to be abolished and this step will not in any way prejudice the progress of Local Self-Government in the State. As regards control of panchayets, the policy of Government is that as in the case of Municipalities in their initial stages, Government should control and guide the work of panchayets for some time to come and as soon as they develop to a stage when they can look after themselves, their management should be handed over to non-official hands.

MR. M. C. LINGEGOWDA suggested that as in British India two or three Taluks may be constituted into a Board.

FIRST MEMBER pointed out that the Local Self-Government Conference considered that question also but did not consider it desirable to adopt the policy referred to.

DEWAN.—It is not a practical suggestion as the work of such boards will overlap that of the District Boards. Taluk Boards in British India are based on the sub-division basis and they are practically sub-division boards. Here, in Mysore, we have a board for each taluk and this materially differs from the system in British India.

MR. ABBAS KHAN.—It was a great pleasure that the recommendations of the Local Self-Government Conference and the Standing Committee had been generally approved by Government and that the question of introducing a panchayet in every village or group of villages was placed before this Assembly for opinion. But he was sorry to find that primary education was proposed to be brought under the obligatory duties of these panchayets. Primary education and all educational problems should be under the direct control of Government. Left to themselves, panchayets could not be expected to make any satisfactory progress in this direction.

FIRST MEMBER.—Primary education has not been specifically made an obligatory duty of panchayets. It is only laid

down that subject to certain conditions and limitations primary education may be placed under the supervision of panchayets.

MR. ABBAS KHAN.—Primary education should be under the direct control of Government, as also Muzrai matters, road works and sanitation and public health. I fully agree that the panchayets should be controlled and guided in these respects by the Deputy Commissioner or the Amildar for some years to begin with, after which, they should be handed over to the Local Non-official Agency.

MR. MALALI VENKATARAMAIYA, said that the idea of entrusting the working of the Local Self-Government scheme again to the Revenue Department was not a commendable one. The Amildar should not be the sole authority. He suggested a committee of 5 or 6 consisting of the Amildar and non-official members to settle all points connected with assessment, sanitation, etc., in the taluk.

The DEWAN remarked that the proposed Central Committee will be practically a taluk board under another name and in view of the several administrative inconveniences and difficulties involved the proposal was not a practical one.

MR. PARAMASIVAIYA said that from his experience he supported the proposal to abolish the taluk boards.

MR. KESAVIAH was of opinion that the formation of village panchayets was very necessary to look after local wants and improve the sanitary condition of villages comprised therein. This small beginning in the management of local affairs will, with greater experience, conduce to the general promotion of political knowledge among the people and prepare them for higher and more responsible duties.

MR. B. SRINIVASIENGAR regretted that before sufficient experience was gained of the existing scheme of Local Self-Government under which considerable decentralization obtained, the scheme itself was going to be revised so as to centralize authority in Government. The decentralization Commission Report stated that taluk boards should be the unit of local administration. They recommended the abolition of District Boards and the constitution of smaller areas for purposes of local administration. The present proposal was that District Boards should remain while Taluk Boards should be abolished. As regards village panchayets, he thought that the existing panchayets were merely formal bodies with no control over funds. A better thing would be to rather increase the number of taluk boards for efficiently supervising the panchayets than to abolish the existing ones altogether. In Mysore, there were few villages in a position to raise suitable

funds to meet their demands. Under the proposed system, all the establishments of the village panchayets would be under the direct control of the Amildar. It was a matter of common knowledge that when a similar system prevailed during the time of the Union panchayets, the machinery for the collection of dues was not efficiently supervised by the local officers with the result that a large amount of arrears remained uncollected. He was of opinion that the better thing would be to evolve the Village Panchayet Scheme gradually and not to hasten its development prematurely in the way proposed in the Government Scheme.

MR. ANANTHIAH said that in his experience no tangible work was done by the taluk boards. To really improve the villages, local autonomy should be given to the village panchayets. At present panchayets had no power to effect any improvements mainly because the taluk boards will not finance them. If the State should improve, every village should in his opinion have a panchayet.

MR. SHAMA SASTRY was of opinion that taluk boards should not be abolished. The object of Local Self-Government was that the local people should not only be educated to manage their own affairs but that they should be trained to take up higher civic responsibilities. In this view, taluk boards were quite necessary. If taluk boards did not work well in past, it was because non-official Presidents were not given.

If by abolishing the taluk boards the panchayets were constituted more largely to work under the supervision of the Amildar, he thought that very little useful work would be done. In these circumstances he was strongly of opinion that the connection between the taluk boards and the village panchayets should be continued.

MR. NARAYANASWAMI CHETTY said that the reason why taluk boards are so poor was that the main items of their expenditure were establishment charges and travelling allowances which left nothing for important develop ment works. They had never so far been able to raise enough funds. By abolishing taluk boards more funds would be available to the District Boards for the improvement of the rural areas. He therefore gave full support to the proposal before the house. He urged for the consideration of the House that a time limit might be fixed for handing over the management to non-official hands.

MR. NANJEGOWDA, MR. NARASINGA RAO, MR. SRINIVASA IYENGAR, MR. MALLIAH and many other members approved of the scheme before the House. A request was made that the

scheme might be extended to the Kolar Gold Fields area and the Yelandur Jahgir. It was also suggested that elementary education should continue to remain under the control of Government.

MR. VEMA REDDI welcomed the introduction of the panchayet scheme. But he thought that if the staff maintained by the taluk boards could be reduced it was possible for these boards to do good work in which case their abolition was undesirable. He feared that if taluk boards were abolished and the supervision of village panchayets was left to the District Boards the supervision exercised would be rather superficial. He also feared that the village panchayets would be expected to finance all schemes out of its own funds.

MR. SINGRI NANJAPPA agreed with this opinion and added that the savings of about Rs. 2 lakhs which would be effected by the abolition of taluk boards would not be available for works but would be spent in travelling allowances of the officers of the District Boards entrusted with the work of supervision.

MR. HANUMANTHA RAO suggested that instead of the scheme being introduced generally, a trial may be made in select areas.

MR. C SRINIVASA RAO, said that from his experience as Vice-President of a District Board he considered the scheme placed by the Government before the House was a sound one and likely to give a rapid stimulus to Local Self-Government in the State.

MR. VENKATASAMAIYA did not agree. He thought that the abolition of taluk boards and the supervision of village panchayets by special Inspectors and Amildars were retrograde measures.

THE DEWAN pointed out that as a matter of fact taluk boards exercised no supervision over village panchayets and the existence of taluk boards in no way helped the development of communal life in the villages.

MR. MALLAPPA said that the proposed scheme for the development of Local Self-Government scheme was praiseworthy. The establishment of village panchayets tended to development of communal life by giving people opportunity of knowing their real wants and of meeting them. Villages were not at present deriving much benefit from the taluk boards. Regarding the agency for inspection he thought that Government might for the present keep it in their hands and the question of making other arrangements might be taken up 5 years hence.

MR. ABDUL RAHMON said that even the existing panchayets were not working satisfactorily.

MR. KARNICK KRISHNAMURTHI RAO said that the subject was well discussed in the last Local Self-Government Conference and that the retention of taluk boards was not approved by them. He was therefore for their abolition and the development of village panchayets. Regarding District Boards, he suggested the election of the Presidents by the general electorate.

MR. GOPALASWAMI IYER suggested that in view of the illiteracy of the villagers the scheme might be tried in a few select villages.

FIRST MEMBER.—It gives me very great pleasure to observe that the subject was discussed very fully and ably by the members and that on the whole the proposals of the Government were well received although there may be some differences of opinion here and there.

MR. SHAMA SASTRY represented that taluk boards form a training ground and that they should not be abolished. It is no doubt true in some cases. But in many cases, I am sorry to say, that not much of real work is turned out at the meetings of the Board and in respect of the little that is done, the members more often than not mechanically agree to whatever the President says. Thus there is no scope for real work under the present conditions. The mental horizon of members is not enlarged and all that is developed in them is a kind of slavish mentality. That is why some radical changes have been proposed in the scheme by the Government. Hereafter the District Board will be an important body responsible for due discharge of all duties connected with medical relief, communications and such other district, taluk and inter-taluk services. The members of the Board will be elected by the general body of electors in the district. They will then truly represent the people. This is in accordance with the recommendations of the Local Self-Government Conference who wanted direct election to the District Boards in the same way as to the Representative Assembly. The District Board will then be the training ground referred to by Mr. Shama Sastry.

A suggestion has been made that a time limit should be fixed within which the management of panchayets should be made over to a non-official agency. We have already said that Government do not wish to keep the control entirely to themselves for all times. Step by step, it will be made over to non-official hands and I have absolutely no objection to say so in the scheme.

MR. SRINIVASA IYENGAR of Yelandur said that the taluk

board and panchayets should be established in the Jahgir also. This is a constitutional question and will be duly considered in proper time.

MR. VEMA REDDI entertained a fear that if the scheme is introduced, the burden of financing all schemes of improvement will fall upon the panchayets. At present Government allot certain funds for village improvements every year and if the amount is not utilised in the course of the year it lapses. It is the object of Government hereafter to give more money directly to the village panchayets, and whether it is spent or not, it will be their money, available for expenditure whenever and in whatever manner they like. It is not correct to say that Government want to throw the whole burden upon the panchayets.

MR. HANUMANTHA RAO said that it is not right to bring the scheme into force in the whole State all at once and that it would be desirable to introduce the same gradually. I do not quite appreciate the suggestion. In fact, the very existence of villages without panchayets is a bad example to villages constituted into panchayets, which raise contributions for their own development works.

A suggestion was made that all the work of the taluk boards may be done by the Amildar in consultation with the Board. That is practically saying that the work should be done by the Amildar and the credit should go to the Board. This is impracticable.

In a scheme of this kind it is not to be expected that rates will be paid by the villagers readily. There will certainly be arrears and these will have to be collected with the aid of the official agency. That is why in the beginning we proposed to keep the panchayets under official control and transfer gradually to a non-official agency. In Travancore also a similar scheme is adopted. In Madras, under a recent Regulation an Inspector of Panchayets has been appointed. So our scheme is not a novel one. The panchayet has nothing to do with the taluk board even under the present system. The taluk board members do not represent the panchayets at all. That is why the Boards are proposed to be abolished.

Under these circumstances I hope that the scheme will be accepted by this House.

The DEWAN thereupon put the following points in the scheme to the vote of the House :—

(1) Establishment of village panchayets—*Passed unanimously.*

(2) Maintaining the control of the Amildar over them. *Passed by a majority.*

(3) Abolition of Taluk Boards.—*Passed by a majority.*

With reference to para 11 of the Memorandum on the further development of Local Self-Government (*vide* appendix B) the First Member of Council said :—

For remedying promptly the grievances of the people and securing the proper working of District Boards, the Deputy Commissioners will be empowered to exercise additional powers besides those provided for in the existing Regulation so that they may inspect the offices of the District Boards and call for the records of any case either on their own motion or on the application of an aggrieved party and if satisfied that the order or proceedings of the board or its executive is wrong or contrary to law submit the records of the case with their opinion to Government for such orders as they may deem fit to pass.

This has been discussed at great length in the Local Self-Government Conference which was of opinion that it was necessary to provide for some such arrangement. The provision for inspection of the District Board Offices is also a very healthy one. Omissions will be brought to notice and mistakes will be rectified. The Deputy Commissioner being the representative of Government in the District, there is no harm done to the Boards if these two powers are given to the head of the District.

MR. C. SUBBA RAO said that if the Deputy Commissioner was himself the President of the District Board, no useful purpose would be served by his inspection as it would be merely nominal. But it would be quite useful where there was a non-official President. It was a question for consideration however whether the power of inspection should not be given to a Member of Council or to the Revenue Commissioner.

MESSRS. VEMA REDDY, CHIKKACHENNANANJAPPA SETTY and C. SRINIVASA RAO said that inspection of the District Board offices was very necessary and that it should be entrusted to the Deputy Commissioner who is the local representative of Government.

MR. PARAMASIVAIYA said that the question should not be decided on a false sense of status and honour. What was wanted was persons who really worked for the people and the country. In some District Board offices it was very difficult to trace even records. It was very necessary that the Deputy Commissioner should be the inspecting officer and the more often the office was inspected the better.

MR. ANANTAIYA agreed.

MR. SRIKANTAIYA thought that the power of inspection might be given to a Committee of the District Board.

FIRST MEMBER.—I should like to say a few words on this point. Some expressed the desire that the Revenue Commissioner should be the inspecting officer. But the Revenue Commissioner has nothing to do with the scheme of Local Boards. I am afraid it is not possible to entrust to him this duty. The suggestion to entrust this work to the Member of Council does not commend itself to Government for various reasons. No one has seriously objected to the principle of calling for the records from the District Board and sending up a report to Government on complaints of irregularities in those offices. I think, all things considered the Deputy Commissioner would be the proper officer to inspect.

The point was put to vote and *passed by a large majority.*

THIRD DAY—*13th October 1924.*

THE question of amending the Municipal Regulation in accordance with the recommendation of the Local Self-Government Conference was taken up for discussion.

MESSRS. ABBAS KHAN AND KARNICK KRISHNAMURTHI RAO suggested that several important matters not referred to in the memorandum explaining the proposed amendments should also be permitted to be discussed by the members. In giving consent to the question the Senior Vice-President who, in the absence of the Dewan-President, occupied the Chair said that the matters mentioned in the memorandum should first be discussed. The first point for consideration was whether provision may be made in the Regulation for the Presidents of Municipal Councils being elected by the general body of voters as recommended by the Conference.

MR. ANANTHIAH said that the proposal was not acceptable. Direct election of the President implied in his opinion want of confidence in the Council. Besides, the election of person outside the Council as President may not conduce to harmony in the Council.

MR. VENKATASAMIAH thought that though the proposal was undoubtedly good there was still no necessity for it in Mysore.

MR. VEMA REDDY was of opinion that the members elected by the Municipal voters commanded their confidence and that a President elected by such members was therefore acceptable to them. In the case of big municipalities, however, where the elections were held according towards, the President might be elected by the general body of voters.

FIRST MEMBER.—The election of a President by the general electorate tends to prevent the formation of cliques in the Councils.

SECOND MEMBER.—In cases where elections are held according to wards, the elected members are men in whom the particular wards have confidence. It may be that the citizens, as a whole, have confidence in them individually. If therefore, the system of direct voting is adopted, the President will doubly represent the interests of the people.

MR. G. PARAMASIVAIYA inquired whether the President would be elected before nominations to the Councils were made when the Councils were yet incomplete.

FIRST MEMBER.—The President's election will be after nominations are made.

MR. RAMACHANDRA RAO SCINDIA suggested that the experiment of direct election might be tried in the case of the President of the Bangalore Municipal Council.

FIRST MEMBER.—The suggestion cannot be given effect to as the Municipal Regulation cannot be amended in time.

MR. ABDUL NABI said that from his experience of the Tumkur Municipality it would be better to have direct election. If a President elected by the general body of voters did not carry out his work to the satisfaction of the rate-payers, they would have the opportunity to point out defects and criticise the actions of the President, while if he were elected by the Council itself he would be responsible only to the Council and not to the rate-payers. He hoped that the system would be extended to the towns of Bangalore and Mysore.

MR. NILIGIRI SANJIVIAH, MR. OOSMAN KHAN, MR. SRINIVASA IYENGAR and several others strongly supported the idea of direct election especially as it did away with all suspicion of undue influence being exercised.

In reply to Mr. Boranna, the First Member mentioned that the period of the tenure of office of a President would be three years, an annual election being a rather inconvenient matter. He added that Government had no intention of introducing the proposed system into all the minor municipalities. If it was found satisfactory in the municipalities into which it was going to be introduced, attempt would be made to introduce it into other municipalities.

MR. M. S. NARASINGA RAO was not in favour of the scheme proposed by Government. He thought that a President elected by the Municipal Council would be better than one elected by the general body of voters. He added that under the latter practice, there was a danger of persons being elected as President not on account of their merit but on account of a large number of the voters belonging to their community.

MR. GOPALASWAMI IYER, MR. BALIJA AND MR. CHIKKACHANNAPPA SETTY agreed with this opinion and added that under the proposed change, Presidents would not be responsible to the Councils and were likely to be arbitrary and dictatorial. The First Member pointed out that such Presidents would be removed.

MR. KARNICK KRISHNAMURTHI RAO, strongly supported the scheme placed before the House by the Government. He said that the existing regulations did not provide for the

election of the President and the Vice-President by the general body of voters. This matter had been under the consideration of the Bangalore City Municipality for a long time and the municipality thought that provision should be made for it. What was now intended was to insert an enabling provision. It was not at all necessary that effect should be given to it immediately in all the municipalities. It would remove many existing irregularities. It would prevent cliques and ensure the election of a really satisfactory person.

MR. B. NARASINGA RAO was against the proposed scheme. He said that the President of a Municipality was elected by the Municipal Council and as such was unable to do anything by himself. The Municipal Council was responsible for policy whereas the President only presided. If the President was elected by the general body of voters it was just possible that he would not work in harmony with the Council. Though perhaps suitable for cities like Bangalore and Mysore, he thought it would not do for other municipalities. What in his opinion was important was that the President should command the confidence of the Council rather than that of the rate-payers.

MR. MURUGESAM PILLAI thought that considering the progress that Municipal Government had made in the State during the past few years it was time that the system of direct election was introduced. The system had the merit of giving members of the backward classes a chance of being elected as Presidents.

MR. MALLAPPA AND MR. BYANNA agreed with this view and suggested that the system might be given a trial in the Bangalore City.

The question of direct election of the President having been considered to have been fully discussed, votes were taken and the House was found to be in favour of the proposal of the Government by a large majority.

The next point taken up for consideration was

The question of the Re-Introduction of Shop Tax.

The FIRST MEMBER pointed out that the existing Municipal Regulation provided only for the levy of profession taxes and that in giving effect to the provisions of the Regulation shop tax had been abolished in several municipalities in the State, and wherever it was levied it was not legal. It was pointed out that the abolition of the shop tax had crippled the resources of the smaller municipalities to a great extent and that therefore frequent representations had been made for its

revival. It was therefore necessary to provide in the Regulation for such a levy.

MESSRS. B. SRINIVASAIENGAR AND SINGRI NANJAPPA spoke in favour of the proposal and suggested that there should be provision for the levy of either profession tax or shop tax at the discretion of the Municipal Councils concerned. The First Member observed that under section 59 of the Regulation the levy of any tax was optional, and it was open to each Municipal Council to choose the items for taxation mentioned in the said section.

MESSRS. MALALI VENKATARAMIAH, CHIKKACHENNANANJAPPA SETTY and MIR MAHOMED thought that there should be provision for the levy of house tax and shop tax separately. Shop tax had to be levied on the trader concerned while the owner of the house had to pay the house tax. The two could not be combined into one as the profits were not divided between the trader and the owner of the house.

MESSRS. D. S. HANUMANTHA RAO AND VEMA REDDY however were of opinion that by converting a portion of the house into a shop the owner would make a better income by way of rents and as the municipal assessment was to be based on the rental value of a house, the rent derived from the shop had also to be taken into account when fixing assessment. No separate shop tax should be levied on the businessmen. If it were levied the trader who did not make any profit would give up the business and run away. The tax could not be collected from him. So far as the rental value of the house itself was concerned, if one trader vacated the shop some other man would occupy it so that the municipality also would not have any difficulty in collecting the shop tax.

With reference to the above remarks, the First Member observed that it was not right to expect the owner of the house to pay taxes both on account of the whole building and also the shop as such, as that would practically mean a double taxation. Care would have to be taken to see that double taxation was avoided and the Municipal Councils would have to frame suitable rules in this connection.

THE SECOND MEMBER pointed out that as regards the levy of Municipal tax, the procedure adopted differed in different places. In classifying buildings for purposes of Municipal taxation, certain houses in which only a small portion was used as such and the rest as shop, the whole building was assessed to shop tax. In some other cases, such houses were assessed to house tax and shop tax was levied separately. In some places, the shop tax was recovered from the shopkeeper while in others,

the owner of the building paid it. House tax, he said, should be based on the rental value of the building and should be paid by the owner irrespective of the purpose for which it might be used. The Municipal Regulation provided for the levy of a profession tax but not shop tax but in several municipalities the system of shop tax was in vogue. To regularise this levy legislation was necessary.

MR. USMAN KHAN said that the Municipal tax must be paid by the house owner himself and never by the tenant.

THE SECOND MEMBER pointed out that there was no connection between the shop tax and the house tax, the first being a personal liability and the second on the particular property.

The opinion of the House was then taken and it was found that the Assembly approved of the Municipal Regulation being so amended as to give option to Municipal Councils to levy shop tax in lieu of profession tax.

The next point taken up for consideration was

Inspection of Municipal Offices by Deputy Commissioners and their Powers to Call for Records as in the Case of District Boards.

MR. KESAVIAH said that as Deputy Commissioners had been given this power in respect of District Boards, it was but right that the power to inspect municipalities should also be vested in them.

MR. KARNICK KRISHNAMURTHI RAO was opposed to granting this power. He thought it would be sufficient if Deputy Commissioners were allowed to call for records for purposes of reference.

MR. SATI HALAPPA thought that there was no objection to Deputy Commissioners inspecting the Municipal Offices which had no non-official Presidents. In other cases he was in favour of the power vesting with Government.

MR. BORANNA agreed.

THE FIRST MEMBER said that the Deputy Commissioner, as a representative of Government in the district, exercised a general supervision over the various departments of Government. There could therefore be no objection to his inspecting Municipal Offices.

THE SECOND MEMBER added that empowering Deputy Commissioners to inspect Municipalities did not mean entrusting them with the work of annual inspection of municipalities. Inspection would become necessary only in certain cases, *e.g.*, on hearing some allegation against the municipality. All that was intended was that the Deputy Commissioner should have

the power to inspect the Municipal Offices in certain cases as for instance when he received complaints against the municipality.

The House voted in favour of empowering the Deputy Commissioner to inspect Municipal Offices and call for records whenever necessary or desirable.

The Assembly next proceeded to consider

The question of the Appointment of Inspectors by Government to Inspect Municipal Offices.

MR. ABDUL NABI KHAN said that the work of inspection should be done only by the Deputy Commissioner and not by Officers of a smaller status and this power should not be delegated to any subordinates. Further the appointment of Inspectors involved extra expenditure, which was not desirable.

MR. USMAN KHAN pointed out that the power vested in the Deputy Commissioner was for a special purpose. The Inspector was meant for a different purpose altogether. Audit, inspection, and the like would fall within the duties of the Inspector.

MR. SATI HALLAPPA agreed.

MR. RUDRAPPA was against the appointment of an Inspector of Municipalities as being unnecessary and leading to duplication of inspection work and Mr. Byanna agreed.

THE SECOND MEMBER said that he would like to correct a possible misapprehension. The Inspector of Municipal Offices, contemplated by Government, was not an officer of a small status but one of a fairly high status. In Madras they had an officer of the status of a Collector.

MESSRS. ABBAS KHAN, G. PARAMASIVIAH, D. S. MALLAPPA, NILIGIRI SANJIVIAH, AND MIR MAHOMED did not think it worth while appointing separate Inspectors of Municipalities as the Deputy Commissioners themselves could inspect the Municipal Offices. Conditions in Mysore were not exactly like those in Madras and in view of the present financial condition of the State the question did not require consideration immediately. There were several other urgent matters requiring all the money that Government could spare and these should be attended to first.

MR. KARNICK KRISHNAMURTHI RAO thought that the appointment of an Inspector was very necessary, perhaps of more than one. It was necessary that there should be some one to supervise the working of municipalities, and see that the rules were carried out. Even if the present financial condition of the State did not permit of such an appointment being

made, there was no harm in providing for it in the Regulation.

MR. M. VENKATAKRISHNAIYA suggested that the services of retired officers could be utilised for the work of the inspection.

MR. S. SRIKANTAIYA considered that the appointment of an Inspector was necessary for at least five years.

MR. NANJUNDARAJA URS was against the appointment of such officer.

The proposal to make provision in the Regulation for the appointment of Inspectors of municipalities was put to vote and the opinion of the Assembly was against it.

The next question taken up for consideration was

The Execution of Warrants of one Municipality in another for Recovery of Taxes.

The proposal was put to vote and carried unanimously.

The Assembly next discussed

The question of the Grant of the House building Advances to Employees of Local Bodies out of their funds.

MR. G. PARAMASIVAIVA said that if advances were given to municipal employees it might become necessary to have them in the same municipality for a long time until the advance was cleared. This was not conducive to efficiency.

THE FIRST MEMBER pointed out that this need not follow as the amount could be recovered in monthly instalments wherever the official might be working. To a statement made by several members that municipalities were generally poor and could not afford funds for advances for house building, the First Member said that the grant was not obligatory and that only such municipalities as could afford it might grant the advances.

MR. BELUR SRINIVASAIENGAR said that the proposal was a very desirable one. Government servants were given such facilities and municipal servants should not be denied the privilege.

MR. KARNICK KRISHNAMURTHI RAO thought that instead of granting advances, municipalities themselves might build houses and let them out to their employees.

MESSRS. RAMASWAMI, BORANNA AND BYANNA agreed with Mr. Krishnamurthi Rao.

MR. D. S. HANUMANTHA RAO AND MR. USMAN KHAN said that there was no harm in making such a provision in the

Municipal Regulation so that whenever possible Municipal Councils could avail themselves of it. The latter added that the fear of the advances being lost was groundless.

The FIRST MEMBER said that it was the duty of every municipality to relieve congestion and provide necessary facilities to its constituents. At the present time municipal servants were worse off than Government servants, the pay of the highest official in any municipality being not more than Rs. 100 or Rs. 120. If equal treatment was not accorded to both these classes of officials, there would be much room for discontent. As regards the view that the grant of such advances would only lead to indebtedness, he totally disagreed with this view. But for such advances he thought there would have been no extensions in Bangalore. The suggestion that municipalities might construct houses and rent them out would not meet the case fully as retired servants could not occupy them to the detriment of their successors.

It was not possible for Government to grant advances to municipal employees as it was against financial rules and further no money was available. But it was necessary that these employees should be treated on a par with Government officers in this matter and this was why it was proposed to give option to local bodies to sanction house building loans if they had the necessary funds.

The opinion of the House was against the grant of the house building advances to municipal employees.

As regards

The question of Providing for the Composition of Municipal Offences,

the House was unanimously in favour of it.

The Assembly next proceeded to consider

The question of Granting Loans to encourage Local Arts and Industries.

The FIRST MEMBER said that the Municipal and Local Boards Regulations had been amended so as to transfer economic work to local bodies. In consequence of this transfer the Local Self-Government Conference had recommended that local bodies be empowered to grant loans. It was therefore proposed to give local bodies the power to sanction loans to whatever extent it might be possible for them to do so, for the encouragement of local arts and industries.

MR. PARAMASIVIAH was opposed to the proposal. He thought that the Industries and Commerce Department which

was maintained by Government at heavy cost should attend to this matter. It could justify its existence only by undertaking the encouragement of local arts and industries. If every local body had to advance loans the demand would be very heavy.

MR. MALALI VENKATARAMIAH, MR. SURAPPA, MR. ANANTHIAH AND MR. SANJEEVAIAH thought that having regard to the abolition of Taluk Boards and Taluk Progress Committees it should be the duty of the municipalities to afford suitable encouragement to local arts and industries.

MR. MALLAPPA thought that this was not the legitimate work of municipalities. All that they could do was to see that no tax was imposed on any industry and that expert advice wherever possible or necessary was available. Municipalities should not undertake the work of Co-operative Societies.

MR. USMAN KHAN said that the encouragement of local arts and industries was a legitimate work of municipalities and was involved in the very idea of Local Self-Government.

THE FIRST MEMBER said that it was desirable to give municipalities the power of making such grants. For instance, during the recent distress in the Kolar and Tumkur Districts, Municipal Councils asked for Government's permission to sanction loans to weavers and others who were in need of help, but permission could not be given under the present Municipal Regulation. There was therefore no harm in making a provision in the Regulation on this behalf.

The proposal was put to vote and the House was in favour of making a provision of the kind under discussion.

THE DEWAN informed the House that replies to interpellations would be placed on the Members' tables by 12 noon the next day and that any supplementary questions might be put and answered thereafter. But at the request of the Members the Dewan promised that the copies would be distributed to them by 5 P.M. that evening which was accordingly done.

The Members having then represented that there were several suggestions which they would like to make in connection with the Local Self-Government Memorandum, the Dewan said that to discuss these suggestions at that stage would be against the recognised procedure. He added, however, that as a special case he would allow resolutions on the subject which would be taken up after the other business of the Assembly was over.

MR. KARNICK KRISHNAMURTHI RAO complained that local subjects could not be discussed in the House, that subjects placed before the District authorities were not permitted to be sent to the higher authorities and that under the

new constitution there was less scope for the people to express their grievances to the Government. The Dewan replied that under the existing system, the District Boards considered the local subjects and submitted their opinions thereon to the Government for orders. Mr. Krishnamurthi Rao requested that the opinions of the Boards with the orders of Government thereon might be communicated to the Members.

The House then proceeded to consider

The Amendment of the Criminal Tribes Regulation.

The general principles of which had been approved in a note supplied to the members. (Appendix C).

THE SECOND MEMBER said that the Criminal Tribes Regulation was passed in the State in 1916 on the lines of the British Indian Act of 1911. The object of this Regulation was to place certain necessary restrictions on the movements of the criminal tribes such as korachars, kallars, etc. These tribes are now registered and notified in the Gazette. Restrictions are imposed on their movements so as to prevent their moving from one place to another without intimation to the authorities beforehand. There are three chief points which are proposed to be incorporated in the present Regulation. The first change is to give the local officers the power to direct the transfer of a criminal tribe from one locality to another within their jurisdiction. This power is now being exercised by Government, and instead of that it is proposed to delegate it to the local officers. The second proposal is to authorise the arrest by any officer in charge of a police station or any police officer not below the rank of a Sub-Inspector without warrant, members of criminal tribes committing even non-cognisable offences; and the third is to take power to transfer members of criminal tribes, not subjects of the State, to any Province of British India or Native State with the previous approval of the Government of such Province or State, if adequate provision has been made by such Government for restricting the movements, or for the settlement, of the criminal tribes. The opinion of the House is required on these three points.

MR. PARAMASIVIAH said that the present Regulation caused a great deal of hardship. If the new changes proposed were also introduced it would only increase the hardship. He added that several innocent people ran the risk of being included among criminal tribes.

THE SECOND MEMBER explained that Government did not include everyone among the tribes in the register without

inquiry. The District Magistrate included only such persons as were, in his opinion, dangerous to society. If once he was registered it was not to be understood that he would be included for ever. There was provision enabling the Deputy Commissioner to remove him from that register if he thought fit. There was nothing objectionable in the amendment at all. In regard to the first, if a registered criminal tribe had to be transferred from one locality to another, orders of Government were necessary under the existing Regulation. It was proposed in the amendment to delegate this power to the District Magistrate or the Inspector-General of Police. The second point was to authorise the arrest by a police officer of a particular grade without warrant, any member of the criminal tribe who committed even non-cognisable offences. This power was to be given to officers not below the rank of a Sub-Inspector. As regards the third point it was to transfer members of criminal tribes, who were not subjects of the State and who had come from outside, to their original place. No such provision existed now in this behalf and it was therefore proposed to incorporate it.

MR. G. PARAMASIVIAH.—I have no objection in regard to the third amendment which refers to sending away foreign tribes out of Mysore. With reference to the first two amendments, I think, the restrictions now placed on their movements should be altogether removed and unless this is done, it is impossible for the tribes to develop. In the interests of the well-being of these tribes, they should be given the option to go from one locality to another freely.

SECOND MEMBER.—Under Section 12 of the existing Regulation, certain people included under criminal tribes are restricted to a particular place and not allowed to migrate without permission of Government. If these tribes want to migrate to another place they have to apply to the local officers, who should obtain orders of Government on the matter. The present amendment aims at giving power to the local officers to deal with such cases themselves without having to approach Government for orders, which means delay.

MR. PARAMASIVIAH.—My point is that even though the whole community has been very respectable for a sufficiently long time in a particular area, that community is subjected to all kinds of restrictions.

SECOND MEMBER.—If the tribes prove that they no longer belong to criminal gangs, the District Magistrate has the discretion at present to remove their names from the register. Under the existing law, individual cases of exemption are left to be decided by the local authorities. If there are any defects in the

administration of this law they may be pointed out to the local officers.

You should bear in mind that every tribe is not brought on the register; local authorities see the percentage of crimes in that tribe and if registration is justified under the circumstances of the case, the tribe is registered.

It is only in cases of absolute necessity that this power will be exercised and local officers will be instructed accordingly.

MR. ABBAS KHAN.—If one or two members of a tribe are transferred from one place to another, there will be absolutely no objection, but if the whole tribe is to be shifted from place to place, it would be very difficult and cause great hardship for them. If it is to suit their own convenience then the wording may be slightly altered so as to give them the option. The idea that the option of a transfer is given to them as a facility is not apparent from the provision. The only object of the amendment appears to be to delegate the power of such transfer from Government to the local officers. Does it mean that any local officer may be given this authority ?

SECOND MEMBER.—Any local officer " duly empowered in this behalf by Government."

MR. ABBAS KHAN.—It is quite necessary that the particular officer who will be invested with such power should be specifically mentioned in the provision itself. Unless this is done there is sure to be hardship and inconvenience to the tribe.

SECOND MEMBER.—The suggestion will be noted.

MR. VEMA REDDY.—Under this Regulation there is much scope for the local authorities to compel and harass the people to go outside, although the tribe as a whole is not willing to leave the place. This is not right. Under the existing law, power to order transfer of the tribe vests in the Government. It is now proposed to delegate that power to the local officer. There is one point to be considered in this respect. The local police officers will have always an eye on the tribe and they will be bringing their own points of infringement to the notice of the District Magistrates over and over again, with the result that the District Magistrate will readily accept their version and order transfer. The second amendment also authorises the arrest on mere suspicion whether well founded or not. It is this part of the section that works all the mischief to the tribe.

SECOND MEMBER.—Then suspicion is to be proved in a competent court of law?

Mr. VEMA REDDY.—The only object of arresting on suspicion is to remove the possibility of the accused escaping from

custody. Have such cases of escape come to the notice of Government? If not, where is the ground for such an amendment to remove any hardship? It may be ordered that the arrest warrant should be made bailable.

Mr. C. SRINIVASA RAO.—So far it is the maidan members that have expressed their experience of the criminal tribes, but the experience in the malnad is altogether different. For instance, the *pamlers* were allowed to settle in Ajampur as peaceful citizens. But as the Second Member is aware, they were always a menace to the Society in the Ghat country. It is therefore necessary that such people should be sent out of the country by all means. There are also people who are habitual robbers and pick-pockets trained in the art from their infancy by their parents. It is absolutely necessary, I think, to watch the movements of such tribes and place restrictions on them.

Mr. B. NARASINGA RAO.—In regard to the first amendment my own view is that it may be definitely stated in the provision that the District Magistrate alone is empowered to transfer a criminal tribe from one place to another. There is also no reason to make non-cognizable offences committed by these tribes cognizable simply because it is done so in British India. Otherwise I think the amendments are non-controversial.

Mr. BYANNA.—At present these criminal tribes are altogether under the surveillance and espionage of the Police. This is sufficient in itself for the police officers to tease the tribe in any way they like. If non-cognizable offences are also made cognizable when committed by these tribes, the Police will have unlimited power over them and it would not conduce to the prosperity and development of the tribe at all.

Mr. P. F. BOWRING.—There are 250 to 300 gangs in the Mysore State, numbering about 20,000 people. It is not all these gangs that give trouble. It is only a few here and there. As you are aware there was a gang sometime back in Mysore, making lots of depredations. You are also aware that a similar gang visited Kolar Gold Fields sometime ago and wrought a lot of havoc there. All these gangs have been registered. Do you not think that we should get rid of such criminal gangs in the best interests of the people? We won't register every one, but only really bad people. We are fully aware that a very large number of people included in the gang have settled down and are carrying on peaceful agricultural pursuits in the country; we are not going to register any one until we are satisfied that such registration is urgently called for. We will find out in how many cases they have been convicted and for what offences and whether they come under the description of habitual

offenders. Not until we are satisfied on all these points, will we register them. Sometimes I get applications from the Police asking for a certain number of gangs being allowed to be sent from one place to another and until I examine the cases personally, I do not order as a matter of course. It is only really dangerous gangs that are registered in the interests of the people and you need not have any fear that the tribes are transferred from one place to another without making adequate enquiries regarding their conduct.

SECOND MEMBER.—It is true that liberty of the people should not be interferred with. At the same time it is also true that there is a higher principle, *viz.*, that if there should be any interference it should be limited to the absolute minimum. Mr. Bowring told you that although there are about 250 gangs in the Mysore State, the tribes so far registered are very few. From this you can understand that the tribes are not given needless trouble. You are aware that for the most part the *Lambanis* are at present leading a peaceful life and there is no necessity to register them. You will admit that unless the really bad and dangerous tribes are registered, there will be no safety to the country. In regard to the question of arrest without warrant, I may observe that in respect of offences under the existing regulation any officer could arrest without warrant but under the amendment it is proposed to restrict the power to certain grades of officers only. In this case we have followed the British Indian Law. If we do not bring our law into line with that in British India, then it is just possible that a gang whose liberty has been curtailed or restricted in British India will readily visit and enter into our territory and commit depredations. The result would be these gangs would commit depredations both in Mysore and in British India at their discretion.

The three points were put to vote one by one.

With regard to the first point the Dewan said that the Government accept the suggestion made, namely to substitute "Deputy Commissioner" for "Local Officer to be authorised." Subject to this the first amendment was carried

With regard to the second point Mr. Boranna suggested that "Sub-Inspector" may be substituted by "Inspector."

The amendment being put to vote was carred by a majority, 85 for and 78 against.

The third point was next put to vote and carried by a large majority.

The Assembly next proceeded to consider

The Chief Court Regulation Amendment Bill.

The general principles of which had been approved in a note supplied to the Members. (Appendix D).

FIRST MEMBER.—The Chief Court Regulation does not provide for delegation by the Government of the powers they are exercising under the Regulation to the Chief Court. This causes a great deal of inconvenience and unnecessary correspondence. It is proposed, therefore, to amend the Regulation by introducing into it an enabling provision empowering the Government to delegate all or any of the powers which the Government are now exercising under the Regulation to the Chief Court. A new section is proposed to be added to the Regulation in place of the present Section 23 which has become quite obsolete.

MR. C. SUBBA RAO.—Section 23 might go. The delegation of power is under section 17 or 18. I want to know the details of the powers proposed to be delegated to the Chief Court.

FIRST MEMBER.—The object of this amendment is this. Under the existing Chief Court Regulation, the Chief Court has to refer to Government all matters such as rules of practice, appointments and transfers of Munsiffs, etc. Some time ago, under certain circumstances, the Chief Court was given power of transferring Munsiffs from one place to another. This caused some confusion between the provisions of the Chief Court Regulation and the Civil Courts Regulation. Under these circumstances, the Government have considered it best to insert a provision in the Chief Court Regulation empowering Government to delegate certain powers to the Chief Court.

Some of the members of the Assembly said that the powers to be delegated should be specified and unless this was done, they would not be in a position to consider the desirability of the enabling section proposed to be inserted.

THE FIRST MEMBER.—Thereupon said that a general enabling clause, as was proposed, would at this stage be withdrawn with the option of bringing it at the next session. He said that for the present, it would be enough if the power to transfer Munsiffs from one place to another was only delegated.

MESSRS. ABBAS KHAN, PARAMASIVIAH and others said that even such power should not be given to the Chief Court.

MR. C. SUBBA RAO said that there was no objection to this power being delegated. Even the Revenue Commissioner, who was a subordinate officer, was given power of transferring an Amildar from one place to another and it was only proper that the Chief Court which was the highest court in the State should have a similar power.

MR. VEMA REDDY agreed with the above opinion.

The opinion of the Assembly was taken and was found to be against the proposed delegation.

The Assembly next proceeded to consider

The Amendment of the Mysore Vaccination Regulation.

The general principles of which had been approved in a note supplied to the members. (Appendix E).

FIRST MEMBER.- This is a very simple measure. All the Municipal Councils have been consulted and a majority of them are in favour of making vaccination compulsory. In non-municipal areas also vaccination will be made compulsory if adequate arrangements can be made for the provision of a vaccinator, supply of vaccine, etc.; otherwise, the compulsion will not apply to non-municipal areas.

Under the present rules, vaccination is declared compulsory for a period of three or five years. Many Municipal Councils fail to apply for renewal of the period in time and it will not be possible to enforce the law. This procedure is irregular and illegal also. So to save all such trouble and to see that vaccination is made compulsory throughout the State, the Local Self-Government Conference sent up a resolution on which the Government bill is based.

MR. KARNICK KRISHNAMURTHI RAO.—There are two opinions possible on this point. Some are for vaccination and some are against it and the reasons for it are obvious. In some places where vaccination was made compulsory, there were some failures and fatalities and interpellations on the subject were put on several occasions in the past year in this Assembly. So I am of opinion that if the Government would ensure that the lymph prepared by the department would give no untoward results and if in any case of bad results they would pay Rs. 500 as compensation to the parties, vaccination may be made compulsory. I am afraid the calves used for the preparation of lymph are generally diseased. The object of my imposing such a condition is due to the fact that good lymph is not always used in vaccination, and people should not be made to sacrifice their children for neglect on the part of Government.

DEWAN.—Why do you condemn your own vaccine without due reasons ?

MR. KARNICK KRISHNAMURTHI RAO.—I have known some fatal cases personally and I do not want that people should run risks any more.

FIRST MEMBER.—Have you read the resolution of the Calicut Municipal Council last year regarding the purchase of lymph from the Mysore Government ?

MR. KARNICK KRISHNAMURTHI RAO.—No, I have not read it.

DEWAN.—There was no complaint whatsoever regarding the quality of lymph; on the other hand, there was some complaint regarding the quantity. You are making some extreme statements. It is not right.

FIRST MEMBER.—I have been in charge of the Sanitary portfolio for the last six years and no instances or complaints of fatalities have come to my notice.

MR. C. SRINIVASA RAO.—During the last four years, nearly 24,000 children have been vaccinated both in the Malnad and Maidan parts of the State and there has not been one case of fatality. During the period of Mr. Ananda Rao's Dewanship, there were two or three cases of fatality and even then after investigation it was found that the fatalities were due to causes other than the quality of lymph used. If vaccination is made compulsory, it will be a great relief to the people of Malnad.

FIRST MEMBER.—Local Bodies outside the State have given testimony to the quality of our lymph. The Calicut Municipal Council have resolved to purchase lymph from the Mysore State instead of purchasing it from Madras. This clearly shows that our lymph is decidedly good. Mr. Karnick Krishnamurthi Rao complains that healthy calves are not used. I do not agree with him in his statement. It is the technique of the Department that has to be considered and not the appearance of the calves. There might have been complaints originally. Now the institute is in a very efficient condition. There are no complaints regarding either quality or quantity. Originally a very small sum was being spent on this item, but now, the amount has been raised to Rs. 16,000 annually. The lymph prepared in Mysore State is used in other provinces with very satisfactory results.

The first motion, *viz.*, making vaccination compulsory in Municipal areas was put to vote and unanimously carried.

Then the second motion, making vaccination compulsory in non-municipal areas where the necessary conveniences were forthcoming, was also put to vote and carried unanimously.